



**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

**129 North Second Street, 2nd Floor Yakima, Washington 98901**

**Phone (509) 575-6183 • Fax (509) 575-6105**

**ask.planning@yakimawa.gov • <http://www.yakimawa.gov/services/planning/>**

**NOTICE OF PETITION AND PUBLIC HEARING**

**DATE:** March 22, 2013

**TO:** Petitioner and Adjoining Property Owners

**FROM:** Steve Osguthorpe, AICP  
Community Development Director / Planning Manager

**SUBJECT:** Notice of Petition submitted for the vacation of Cook Avenue.  
RWV #002-13.

**NOTICE OF PETITION**

The City of Yakima Department of Community Development has received a petition from West Valley Nursing Homes, Inc. requesting the vacation of Cook Avenue right-of-way lying easterly of N 40<sup>th</sup> Avenue and westerly of the Yakima Valley Canal between Summitview and Lincoln Avenues. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington.

**NOTICE OF PUBLIC HEARING**

This request requires that an open record public hearing be held by the hearing examiner. This public hearing has been scheduled on **Thursday, April 25, 2013** beginning at **9:00 a.m.**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901.

If you have any questions concerning this proposal, please call Bruce Benson, Supervising Planner at (509) 575-6042.

**Other Permits Required:** None

**Encl.:** Vicinity Map, Mailing Map

PETITION NO. 13-02  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

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FEB 25 2013  
CITY OF YAKIMA  
PLANNING DIV.


To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

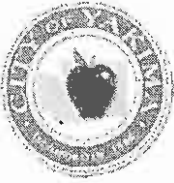
The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (provide legal description below, or attach to petition if lengthy).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

WEST VALLEY NURSING HOMES, INC.	3801 SUMMITVIEW AVE	
Owner	Address	YAKIMA, WA 98902
	2-25-13	100
Signature	Date	Ownership %
Owner	Address	
Signature	Date	Ownership %
Owner	Address	
Signature	Date	Ownership %

(if there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)



Supplemental Application For:

## RIGHT-OF-WAY VACATION

Fee: \$420.00 (RCW 35.79) (+50% appraised value)

### PART II - LOCATION

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

*THE 200 & 300 BLOCK OF NORTH 40TH AVENUE*

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2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

*SEE ATTACHED*

**FEB 25 2013**

**CITY OF YAKIMA  
PLANNING DIV.**

### PART III - APPLICATION INFORMATION

3. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

*SEE ATTACHED WRITTEN NARRATIVE FOR ANSWER TO ALL QUESTIONS.*

B. Does the vacation deny sole access to a public street for any property?

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies)

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and longrange plans)

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

### PART IV - REQUIRED ATTACHMENTS

4. SITE PLAN REQUIRED: (Please use the City of Yakima Site Plan Checklist, attached)

5. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)

6. TITLE REPORT (may be waived)

7. SURVEY OF THE AREA TO BE VACATED (may be waived)

8. APPRAISAL OF THE PROPERTY (If the assessed value of the portion of right-of-way to be vacated exceeds \$20,000)

9. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.)

10. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required)

**Note:** if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6163

**Revised 02-11**

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## PART III -- WRITTEN NARRATIVE

### **A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?**

This vacation will benefit the public by allowing the adjoining property owners West Valley Nursing Homes, Inc, (dba Living Care Retirement Community) to connect disjointed properties to create a large contiguous property in anticipation of updating their larger facility which is located on surrounding parcels.

Currently, Cook Street is bordered on three sides (north, east and south) by property all under the ownership of West Valley Nursing Homes, Inc. Cook Street, at this location, is 50 feet in width and approximately 155 feet in length. It is used exclusively by West Valley Nursing Homes, Inc. for access to their facility. It is a dead-end street with no turn-around. It is basically a gloried driveway under the ownership of the City of Yakima, which roadway maintenance is paid for by the citizens of Yakima, for the benefit of a single property owner (West Valley Nursing Homes, Inc.).

Direct public benefits of the vacation are that the property will be used to upgrade an existing facility within the City Limits of Yakima which provides low-, middle- and high-income wage jobs. The facility upgrade will include a structure being constructed over a portion of the vacated right-of-way. The vacation will place the former right-of-way on the tax rolls, where it will be taxed as real property, as appropriate. If vacated, this section of Cook Street will no longer require maintenance by the City of Yakima, for what is essentially a "private" roadway being maintained at taxpayer's expense for the exclusive use by Living Care Retirement Community facilities. In exchange for the vacation, based on applicable ordinances and laws, West Valley Nursing Homes, Inc. would pay the City of Yakima \$19,000.00 for the vacated right-of-way, which would also be a benefit to the public.

For the reasons stated above, a wide variety of public benefits are accomplished by this proposed right-of-way vacation.

### **B. Does the vacation deny sole access to a public street for any property?**

This vacation will not deny sole access to any property. Because all affected properties are owned by West Valley Nursing Homes, Inc., the vacated portion of right-of-way is required to be merged with the adjoining properties. Properties which do not have direct access to a public street will be merged into other properties that do have access, or easements would be granted to those that do not. The reality of this right-of-way vacation is that the parcel lines will be reconfigured during the upgrading of the facility at the time of building permit application. At that time, all access issues will resolve themselves as the property is developed. In sum, all the properties involved in this

application are owned by the same company and because of this, access and utility easements, if deemed necessary, will be granted to individual parcels for legal access purposes. Thus, no property is, or will be, denied sole access to a public street.

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PLANNING DIV.

**C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies).**

The current Six-year Transportation Improvement Plan does not indicate any planned improvements slated for this portion of Cook Street. The proposal is consistent with the Urban Area Comprehensive Plan because it promotes infill and the efficient utilization of vacant land (once vacated) within an area designated for residential uses as determined by the Future Land Use Map of the Comprehensive Plan.

**D. Is the vacation appropriate with existing zoning and land use? (Vacation of rights-of-ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long range plans).**

This proposal is appropriate with existing zoning because all properties abutting the proposed right-of-way vacation are zoned Multi-family Residential. The proposal is also consistent with existing land uses currently located on all sides of the proposed right-of-way vacation (north, east and south), which are currently developed with senior retirement facilities. The west boundary line of Cook Street and some of the abutting properties is North 40<sup>th</sup> Avenue, an Urban Arterial, which is designed to accommodate multi-family residential uses.

This proposed right-of-way vacation will permit the existing facility to operate as a single entity by eliminating a small portion of a public street that is generally not used by the public because it is approximately 155 feet in length, dead-end and serves no other properties other than Living Care Retirement Community. The vacation permits the facility to join its current properties together which are currently bisected by Cook Street and create a single usable property which can accommodate the proposed facility upgrade.

**E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?**

The public right-of-way is currently encumbered with domestic water, natural gas, telephone and electrical lines. Preliminary information indicates that all the utility lines located within the right-of-way are individual service lines to individual buildings and not major transmission lines. Easements will be granted as necessary to permit these utility lines to remain in place, until such time as the upgrade to the facility occurs and the utilities are relocated. At such time, new easements will be granted.

## LEGAL DESCRIPTIONS OF ABUTTING PROPERTIES

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CITY OF YAKIMA  
PLANNING DIV.

**181322-13071** – Beginning 841.7 feet north and 164.42 feet of the Southwest corner of the Southwest quarter of the Northeast quarter of Section 22, Township 13 North, Range 18 E.W.M., thence north 70.0 feet, thence west 20.0 feet, thence north 115.12 feet, thence South 89° 40' East 22.50 feet, to the westerly right-of-way line of Yakima Valley Canal, thence southeasterly along said right-of-way line to a point bearing South 89° 40' East of the point of beginning, thence North 89° 40' West 222.62 feet more or less to the point of beginning;  
ALSO, that portion of the Yakima Valley Canal lying westerly of the centerline of said canal right-of-way accruing thereto.

**181322-13073** – Beginning 841.7 feet north of the Southwest corner of the Southwest quarter of the Northeast quarter of Section 22, Township 13 North, Range 18 E.W.M., thence north 120.00 feet, thence South 89° 40' 00" East 144.42 feet, thence south 50.12, thence east 20 feet, thence south 70 feet, thence North 89° to the point of beginning,  
EXCEPT the west 48 feet for road right-of-way.

Together with that portion of the north 65 feet of the south 1091.7 feet of the Southwest quarter of the Northeast quarter lying westerly of the Yakima Valley Canal,  
EXCEPT the west 50 feet for road right-of-way.

Together with the west 142.42 feet of the north 65 feet of the south 1026.70 feet of the Southwest quarter,  
EXCEPT road right-of-way.

Together with that portion of the Yakima Valley Canal lying westerly of the centerline of said canal right-of-way accruing thereto.

**181322-13480** – Lots 1 through 7 of Mallett's Addition recorded in Book G of Plats, Page 2, records of Yakima County, Washington,  
EXCEPT the west 30 feet for road right-of-way,

Together with the north 121.40 feet of the south 841.70 feet of the Southwest quarter of the Northeast quarter lying westerly of Yakima Valley Canal right-of-way,  
EXCEPT the north 50 feet of the west 205 feet,  
EXCEPT the west 30 feet for road right-of-way,

Together with that portion of the Yakima Valley Canal lying westerly of the centerline of said canal right-of-way accruing thereto.

**LEGAL DESCRIPTION FOR PORTION OF COOK STREET TO BE VACATED**

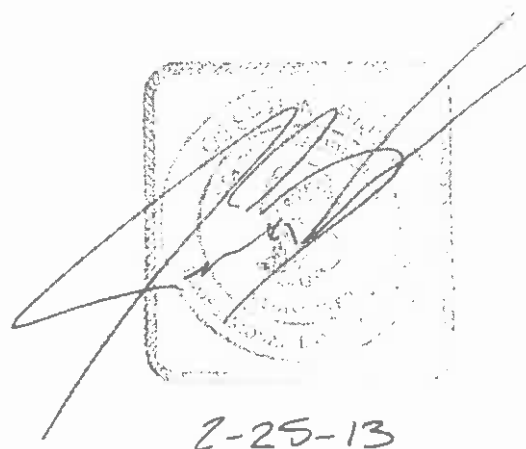
The North 50 feet of the South 841.7 feet of the West 205 feet of the Southwest quarter of the Northeast quarter of Section 22, Township 13 North, Range 18 East, W.M.;  
**EXCEPT** the West 50 feet thereof.

Containing 7,750 sq. ft.

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**FEB 25 2013**

**CITY OF YAKIMA  
PLANNING DIV.**



2-25-13

Living Care  
#12201

3<sup>rd</sup> B.C. IN MON. CASE FND

1

7,742 SQ.FT.

**CITY OF YAKIMA  
PLANNING DIV.**

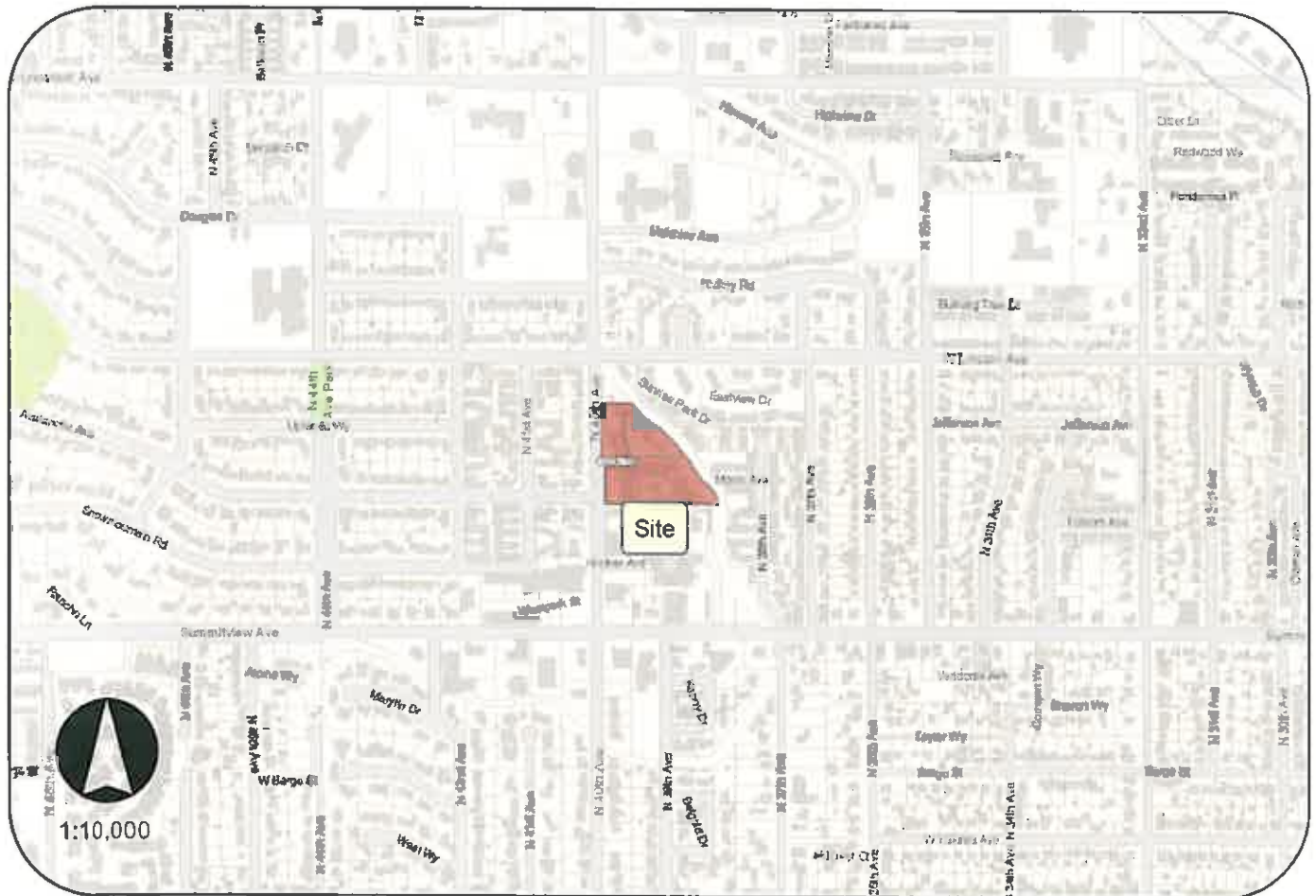
2" B.C. IN MON. CASE FND  
SEE LCR 2M-1894

PLSA ENGINEERING & SURVEYING  
JOB NO. 12201  
2/11/2013





City of Yakima - Geographic Information Services



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